

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MYRA SMITH,	:	
	:	
Plaintiff,	:	
	:	20 Civ. 11136 (LGS)
-against-	:	
	:	<u>ORDER</u>
CITY OF NEW YORK,	:	
	:	
Defendant.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on May 3, 2021, Defendant filed a pre-motion letter in anticipation of a motion to dismiss. Dkt. No. 13.

WHEREAS, an initial pre-trial and pre-motion conference was held on May 27, 2021.
For the reasons stated during the conference, it is hereby

ORDERED that all discovery is **STAYED** pending resolution of Defendant's anticipated motion to dismiss. It is further

ORDERED that, by **June 3, 2021**, Plaintiff shall produce to Defendant, any evidence of the date on which she received the Equal Employment Opportunity Commission ("EEOC") Dismissal and Notice of Rights dated September 14, 2020, and attached to the Complaint (Dkt. No. 2). It is further

ORDERED that if Plaintiff wishes to file an amended complaint to attempt to cure the problems Defendant identified in its pre-motion letter, then by **July 8, 2021**, Plaintiff shall file an amended complaint. The amended complaint shall state all the facts in her current complaint and add any additional facts she may have to address Defendant's pre-motion letter. It is further

ORDERED that, by **August 5, 2021**, Defendant shall answer or file a motion to dismiss the operative Complaint. If Defendant files a motion, the parties shall submit motion papers

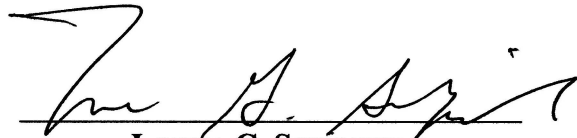
according to the following schedule:

- By **August 5, 2021**, Defendant shall file its motion to dismiss, with a memorandum of law not to exceed twenty-five (25) pages.
- By **September 16, 2021**, Plaintiff may (but is not required) to file any opposition, not to exceed twenty-five (25) pages. Because Plaintiff is *pro se*, the Court will independently review Defendant's legal arguments, even if Plaintiff does not address them. If Defendant's motion is successful, the case may be dismissed.

The parties shall comply with the Court's Individual Rules, and if in effect, the Emergency Individual Rules and Practices in light of COVID-19. Upon submission of Plaintiff's opposition the motion will be deemed fully briefed.

The Clerk of Court is respectfully directed to serve a copy of this order on *pro se* Plaintiff.

Dated: May 28, 2021
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE